

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY  
REGULAR MEETING  
MINUTES  
February 27, 2007**

A regular meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Division of Occupations and Professions, Frankfort, KY on February 27, 2007.

**MEMBERS PRESENT**

Roger D. Russell, Chair  
Theresa M. Crisler  
Carmen S. Fowler  
Lisa Bozarth  
Denise M. Logsdon  
Kimberly Stacy  
Sharon Wood

**EXCUSED**

**OCCUPATIONS & PROFESSIONS STAFF**

Dana Hockensmith, Board Administrator  
Claude Wagner, Division Director  
Wendy Satterly

**OTHERS PRESENT**

Cheryl Lalonde, Board Attorney  
Gerald Clemons, Board Investigator  
Megan Lavery, AMTA, KY  
Marilyn Gossett, Sun Touch

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**Call to Order**

Chair, Mr. Russell called the meeting to order at 10:27 A.M.

**Approval of Minutes**

Minutes of the January 23, 2007 meeting were presented for the Board's review. A motion was made by Ms. Stacy to approve the minutes, as amended. Motion seconded by Ms. Bozarth, carried unanimously.

**Approval of Financial Statement**

The Board reviewed the financial statement indicating a balance of \$169,826.25 as of January 31, 2007. A motion was made by Ms. Logsdon to accept the financial statement. Motion seconded by Ms. Fowler, carried unanimously.

**Director's Report**

Mr. Wagner, Director, reported that the regulations were passed at Administrative Regulation and Review Subcommittee on February 12, 2007 and there may be a sixty (60) day window before they become effective. He thanked the Board for all of their hard work and Ms. Lavery and Ms. Jenkins for their cooperation.

Mr. Wagner, Director, provided a letter extending an invitation to Dr. Woodward, President of Kentucky Board of Chiropractor Examiners, to attend a meeting of the Massage Therapy Board, to speak, and to take part in information sharing between the two professions. The invitation was also extended to anyone from the Chiropractor Board that may be interested.

**Chair Report**

Chair, Mr. Russell thanked Ms. Logsdon, Ms. Crisler, and the American Massage Therapy Association members for their hard work and cooperation with the regulations.

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Chair, Mr. Russell asked Mr. Wagner, Director, to move forward and extend the invitation to the Chiropractor Board.

### **Complaint Review Committee**

#'s 05-06, 05-07: Ms. Lalonde, Board Attorney, will contact the attorney for these two individuals since the Agreed Order was not signed.

#05-08: Ms. Fowler made a motion to accept the signed Agreed Order from the individual and for Chair, Mr. Russell to sign the Agreed Order. Motion seconded by Ms. Stacy, carried unanimously. License was revoked and that individual will be reported to the National Practitioner Database.

#05-10: An administrative hearing is set for March 26, 2007 at 9:00 a.m. Ms. Bozarth, Ms. Fowler and Ms. Stacy will serve on the panel at the hearing.

# 06-03: A letter will be sent to the individual's former employer for removal of the unlicensed individual's name from the sign.

#06-04: A Cease and Desist letter will be sent to this unlicensed individual.

#06-07: A Cease and Desist letter will be sent to this unlicensed individual.

#06-09: A Cease and Desist letter will be sent to this unlicensed individual.

#06-10: A Cease and Desist letter will be sent to these three (3) unlicensed individuals as well as a letter of notification of the licensure law to their employer.

#07-01: A Cease and Desist letter and copy of the complaint will be sent to this unlicensed individual as well as a notification of the licensure law to this individual's employer along with a copy of the complaint.

Ms. Fowler made a motion to approve the actions listed for the current complaints. Motion seconded by Ms. Bozarth. Ms. Crisler recused herself from vote on #07-01. Motion carried with other five (5) members.

Chair, Mr. Russell reported it may be adverse to establish the Complaints Committee as two (2) members instead of three (3). Ms. Crisler and Ms. Logsdon will serve on the committee with Chair, Mr. Russell to fill in if either member needs to recuse. By consensus, Chair is to exercise discretion with a notice to the office.

Discussion was held on how to handle reports of unlicensed individuals working as massage therapists. Ms. Bozarth made a motion to defer to March 27, 2006 meeting and for the Occupations and Professions staff to present a proposal and for the Board to get a legal opinion at next meeting. Motion, seconded by Ms. Logsdon, carried unanimously.

### **Education Committee**

A motion was made by Ms. Bozarth to accept the Education Committee's recommendation that CPR, Cupping and Moxibustion will be accepted as subject matters for Continuing Education. Motion seconded by Ms. Logsdon, carried unanimously.

Ms. Crisler made a motion to approve two (2) in-class CEU provider applications for SC, one Quantum Touch and one Introduction to Flower Essence and Their Benefits. Motion seconded by Ms. Fowler, carried unanimously.

Ms. Logsdon made a motion to approve one (1) Home Study CEU provider application for MY, Muscle Relief Technique. Motion seconded by Ms. Crisler, carried unanimously.

Ms. Logsdon made a motion to approve one (1) in-class CEU provider application for MY, Muscle Relief Technique. Motion seconded by Ms. Stacy, carried unanimously.

### **Application Review Committee**

JN File: Ms. Fowler made a motion to defer the matter until documentation on the DUI aggravator and a copy of the police report is received. Motion seconded by Ms. Bozarth, carried unanimously.

Ms. Logsdon made a motion to approve 20 new applicants for licensure. Motion seconded by Ms. Crisler, carried unanimously. There are currently 2000 licensed massage therapists in Kentucky.

Ms. Bozarth departed the meeting at this time, any unanimous votes from this point forward are with the remaining members.

### **Old Business**

Ms. Logsdon and Ms. Crisler gave a report of the findings from the Ad Hoc Committee meeting regarding supervision surveys.

In addition to the surveys, Ms. Logsdon reported an article from the Council on Massage Therapy Accreditation (COMTA) newsletter was reviewed. In the article it is recommended off-site interns be required to have 600 hours of education prior to entering into the internship. The committee decided not to impose COMTA guidelines since Kentucky schools haven't chosen to be COMTA schools, this giving schools the option of designing the best internship experience possible for the students.

Ms. Crisler reported on the supervision survey responses in detail while providing a list of twelve (12) of the schools with their responses. The information provided listed if there was a student clinic at the school, how it's supervised, type of supervision, if they're supervised by someone other than an LMT and if so with what credentials, the learning objectives, if the students are off site, percentage of education hours that are clinical, if the clinical hours are credited for hands-on only, the prerequisite for clinic, if practicum is used as part of a course and if so how many hours, if students are given credit hours for practicum and any other comments the school wished to add.

The committee recommended that the school hold the liability of internships/externships allowing the school the decision on how evaluation occurs and not require the clinic supervisor to be in the room (direct) or on-site, leaving "supervision" open in the law.

Ms. Fowler made a motion to accept the committee's recommendation. Motion seconded by Ms. Wood, carried unanimously.

Mr. Wagner, Director and Ms. Lalonde reported the Board pays for CLEAR investigator training for liability reasons.

A list of students enrolled in the Massage Therapy Program at Cincinnati School of Medical Massage in Burlington as of July 1, 2006 has been requested from the school via the Proprietary Education Board as these students wouldn't meet Kentucky requirements for licensure as a massage therapist.

Ms. Fowler made a motion to enter into Memorandum of Understanding (MOU) with Kentucky Higher Education Assistance Authority (KHEAA) choosing option D and annually, providing licensee information to KHEAA electronically on an annual basis.

A letter was presented to go out to all schools regarding the new KRS 309.363 changes that went into effect June, 2006 along with an application for a certificate of good standing.

An email from Ms. Logsdon to JF was presented to clarify limitations of what a massage therapist can do within the law before crossing into the esthetician field of practice and what an esthetician can do without crossing into the massage therapy field of practice.

#### **New Business**

A letter was reviewed from HR asking if a felony conviction and probationary status would prevent her obtaining licensure prior to enrolling in a massage therapy school program. The Board requested staff draft correspondence notifying her that the Board reviews applications from individuals with felony convictions on a case by case basis and that a felony conviction would not necessarily prevent her from applying for license. The Board does not pre-approve applications, therefore she would have to make the decision as to whether to enter the massage therapy program.

A letter from JH, LMT in another state, inquired as to whether or not this individual could practice massage therapy at a one time event while only being licensed in another state. There is nothing in the law allowing an exemption for an unlicensed individual to practice massage therapy in Kentucky without being licensed.

#### **Approval of Travel and Per Diem**

A motion was made by Ms. Crisler to approve travel and per-diem for eligible members for today's meeting and for the Adhoc Committee meeting held on February 26, 2006. Motion seconded by Ms. Stacy, carried unanimously.

#### **Schedule Next Meeting**

The next meeting is scheduled for March 27, 2007 at the Board office located at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

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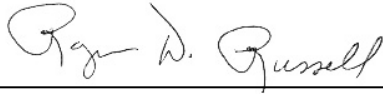
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**Adjournment**

With all business completed, Ms. Stacy made a motion to adjourn the meeting, seconded by Ms. Fowler, carried unanimously. The meeting adjourned at 12:50 P.M.

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**Approved**



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**Board Chair**